

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01247-TSC**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
EDUCATION

Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 06/26/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Cerissa Cafasso**
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V.

Defendant

**U.S. DEPARTMENT OF
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Date Filed	#	Docket Text
06/26/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF EDUCATION (Filing fee \$ 400 receipt number 0090-5006634) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Creighton, Sara) (Entered: 06/26/2017)
06/26/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 06/26/2017)
06/26/2017		Case Assigned to Judge Tanya S. Chutkan. (md) (Entered: 06/26/2017)
06/26/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF EDUCATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 06/26/2017)
07/11/2017	<u>4</u>	NOTICE of Appearance by Wyneva Johnson on behalf of U.S. DEPARTMENT OF EDUCATION (Johnson, Wyneva) (Entered: 07/11/2017)
07/20/2017	<u>5</u>	NOTICE of Appearance by Elizabeth France on behalf of AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 07/20/2017)
07/20/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/3/2017. (Answer due for ALL FEDERAL DEFENDANTS by 8/2/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF EDUCATION served on 6/30/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/3/2017. (Attachments: # <u>1</u> Exhibit A)(France, Elizabeth) (Entered: 07/20/2017)
07/26/2017	<u>7</u>	NOTICE of Appearance by Wyneva Johnson on behalf of U.S. DEPARTMENT OF EDUCATION (Johnson, Wyneva) (Entered: 07/26/2017)
07/26/2017	<u>8</u>	Consent MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 07/26/2017)
07/27/2017		MINUTE ORDER: Granting <u>8</u> Motion for Extension of Time to File Answer. The defendant shall answer or otherwise respond to the complaint by September 8, 2017. Signed by Judge Tanya S. Chutkan on 7/27/17. (DJS) (Entered: 07/27/2017)
08/01/2017		Set/Reset Deadlines: Defendant's answer or otherwise response to the complaint is due by 9/8/2017. (jth) (Entered: 08/01/2017)
09/07/2017	<u>9</u>	Consent MOTION for Extension of Time to <i>Answer Complaint</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 09/07/2017)
09/08/2017		MINUTE ORDER: Granting <u>9</u> Consent Motion for Extension of Time to File Answer. Defendant shall answer or otherwise respond to the Complaint by September 15, 2017. Signed by Judge Tanya S. Chutkan on 9/8/17. (DJS) (Entered: 09/08/2017)
09/08/2017		Set/Reset Deadlines: Answer due by 9/15/2017. (tb) (Entered: 09/08/2017)
09/15/2017	<u>10</u>	MOTION for Extension of Time to by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 09/15/2017)
09/15/2017	<u>11</u>	Memorandum in opposition to re <u>10</u> MOTION for Extension of Time to <i>File Answer or Other Responsive Pleading</i> filed by AMERICAN OVERSIGHT. (France,

		Elizabeth) (Entered: 09/15/2017)
09/21/2017	<u>12</u>	REPLY to opposition to motion re <u>10</u> MOTION for Extension of Time to filed by U.S. DEPARTMENT OF EDUCATION. (Attachments: # <u>1</u> Declaration Deborah Winters)(Johnson, Wyneva) (Entered: 09/21/2017)
09/22/2017		MINUTE ORDER: The USA's Motion <u>11</u> for Extension of the Answer due date is hereby GRANTED, except that the USA shall file its answer by 3:00 pm on October 4, 2017. In the absence of a timely filed answer, the parties shall appear for a Status Conference at 1:45 p.m. on October 5, 2017 in Courtroom 2. In addition to the US Attorney defending this action, counsel from the DOE shall appear at the hearing. To the extent Counsel do not have personal knowledge of the search efforts and the White House review, Counsel shall be accompanied by person(s) with such knowledge. Signed by Judge Tanya S. Chutkan on 9/22/17. (DJS) (Entered: 09/22/2017)
09/25/2017		Set/Reset Deadlines: Answer due by 10/4/2017. Set/Reset Hearings: Status Conference set for 10/5/2017 at 01:45 PM in Courtroom 2 before Judge Tanya S. Chutkan. (tb) (Entered: 09/25/2017)
10/04/2017	<u>13</u>	NOTICE (<i>Notice of Filing of Declarations</i>) by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Declaration (Supplemental Declaration of Deborah Winters), # <u>2</u> Declaration (Declaration of Marcella Goodridge-Keiller))(Johnson, Wyneva) (Entered: 10/04/2017)
10/04/2017	<u>14</u>	ANSWER to Complaint by U.S. DEPARTMENT OF EDUCATION.(Johnson, Wyneva) (Entered: 10/04/2017)
10/04/2017		MINUTE ORDER: In light of the government's timely filed answer, and in accordance with the court's September 22, 2017 Minute Order, the Status Conference currently scheduled for October 5, 2017 at 1:45 p.m. is hereby vacated. Signed by Judge Tanya S. Chutkan on 10/4/2017. (lctsc2). (Entered: 10/04/2017)
10/06/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 10/27/17. Signed by Judge Tanya S. Chutkan on 10/6/17. (DJS) (Entered: 10/06/2017)
10/10/2017		Set/Reset Deadlines: Joint Status Report due by 10/27/2017. (tb) (Entered: 10/10/2017)
10/27/2017	<u>15</u>	NOTICE of Appearance by Cerissa Cafasso on behalf of AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 10/27/2017)
10/27/2017	<u>16</u>	STATUS REPORT AND PROPOSED SCHEDULE by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(France, Elizabeth) (Entered: 10/27/2017)
10/27/2017	<u>17</u>	MOTION for Extension of Time to <i>Respond to the Court's October 6, 2017 Minute Order</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 10/27/2017)
10/27/2017	<u>18</u>	Memorandum in opposition to re <u>17</u> MOTION for Extension of Time to <i>Respond to the Court's October 6, 2017 Minute Order</i> filed by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 10/27/2017)
10/31/2017		MINUTE ORDER: A Status Conference is hereby set for 11/9/17 at 2:30 pm in Courtroom 9. Signed by Judge Tanya S. Chutkan on 10/31/17. (DJS) (Entered: 10/31/2017)
11/06/2017		Set/Reset Hearings: Status Conference set for 11/9/2017 at 02:30 PM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 11/06/2017)

11/08/2017	<u>19</u>	MOTION to Continue <i>the November 9, 2017 Hearing</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 11/08/2017)
11/09/2017		MINUTE ORDER granting <u>19</u> Motion to Continue the November 9, 2017 Hearing. The hearing is hereby rescheduled for November 28, 2017 at 2:30 p.m. The court shall not grant additional extensions or continuances absent a showing of extenuating circumstances.Signed by Judge Tanya S. Chutkan on 11/9/2017. (lctsc2). (Entered: 11/09/2017)
11/14/2017		MINUTE ORDER: In addition to the US Attorney defending this action, counsel from the DOE shall appear at the November 28, 2017 Status Conference. To the extent Counsel do not have personal knowledge of the search efforts and the White House review, Counsel shall be accompanied by person(s) with such knowledge. Signed by Judge Tanya S. Chutkan on 11/14/17. (DJS) (Entered: 11/14/2017)
11/15/2017		MINUTE ORDER: The November 28, 2017 hearing currently scheduled to begin at 2:30 p.m. shall now begin at 11:00 a.m. on November 28, 2017. Signed by Judge Tanya S. Chutkan on 11/15/2017. (lctsc2). (Entered: 11/15/2017)
11/16/2017		Set/Reset Hearings: Status Conference reset for 11/28/2017 at (TIME CHANGE) 11:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 11/16/2017)
11/28/2017		Minute Entry for proceedings held before Judge Tanya S. Chutkan: Status Conference held on 11/28/2017. Defendant is directed to meet and confer with Plaintiff by 12/11/2017 to propose a schedule for future proceedings in this matter. The schedule shall address those issues raised by the Court's Minute Order issued on 10/6/2017. The parties shall file a Joint Status Report that addresses those issues and that contains a proposed schedule and proposed order by 1/8/2018. (Court Reporter: Bryan A. Wayne) (jth) (Entered: 11/28/2017)
11/29/2017	<u>20</u>	<p>TRANSCRIPT OF 11/28/17 STATUS HEARING before Judge Tanya S. Chutkan held on November 28, 2017. Page Numbers: 1–15. Date of Issuance: 11/29/17. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 12/20/2017. Redacted Transcript Deadline set for 12/30/2017. Release of Transcript Restriction set for 2/27/2018.(Wayne, Bryan) (Entered: 11/29/2017)</p>
01/08/2018	<u>21</u>	Joint STATUS REPORT by U.S. Department of Education and by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Cafasso, Cerissa) (Entered: 01/08/2018)
01/10/2018		MINUTE ORDER: A Status Conference is hereby set for January 19, 2018 at 10 a.m. in Courtroom 9. In addition to the Assistant U.S. Attorney defending this action, counsel from the Department of Education shall appear at the Status Conference. To the extent Department of Education counsel does not have personal knowledge regarding the search efforts, an individual from the Department with such knowledge shall also appear at the Status Conference. Signed by Judge Tanya S. Chutkan on 1/10/2018. (lctsc2). (Entered: 01/10/2018)
01/10/2018		Set/Reset Hearings: Status Conference set for 1/19/2018 at 10:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 01/10/2018)

01/18/2018	<u>22</u>	NOTICE of Appearance by John E. Bies on behalf of AMERICAN OVERSIGHT (Bies, John) (Entered: 01/18/2018)
01/19/2018		Minute Entry: Status Conference held on 1/19/2018 before Judge Tanya S. Chutkan: Attorney Meet and Confer Conferences are set for 1/26/2018 and 02/28/18. Joint Status Report due by 3/16/2018. Status Conference set for 3/23/2018 at 10:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (Court Reporter Bryan Wayne) (ztb) (Entered: 01/22/2018)
01/29/2018	<u>23</u>	<p>TRANSCRIPT OF 1/19/18 STATUS HEARING before Judge Tanya S. Chutkan held on January 19, 2018. Page Numbers: 1–27. Date of Issuance: January 29, 2018. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days , the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 2/19/2018. Redacted Transcript Deadline set for 3/1/2018. Release of Transcript Restriction set for 4/29/2018.(Wayne, Bryan) (Entered: 01/29/2018)</p>
03/15/2018	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Johnson, Wyneva) (Entered: 03/15/2018)
03/19/2018	<u>25</u>	Joint MOTION to Continue <i>Status Conference</i> by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Text of Proposed Order)(France, Elizabeth) (Entered: 03/19/2018)
03/19/2018		MINUTE ORDER: The parties' <u>25</u> Joint Motion to continue the status conference is hereby granted in part and denied in part. The court hereby vacates the status conference currently scheduled for Friday, March 23, 2018. The court is unavailable for a status on the parties' requested date of May 11, 2018. By Friday, March 23, 2018, the parties shall file a joint notice, in which they shall provide three alternative dates and times for a status conference. Signed by Judge Tanya S. Chutkan on 3/19/2018. (lctsc2). (Entered: 03/19/2018)
03/23/2018	<u>26</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Johnson, Wyneva) (Entered: 03/23/2018)
04/03/2018		MINUTE ORDER: A Status Conference is hereby set for 5/21/18 at 10:30 am in Courtroom 9. In addition to the Assistant U.S. Attorney defending this action, counsel from the Department of Education shall appear at the Status Conference. To the extent Department of Education counsel does not have personal knowledge regarding the search efforts, an individual from the Department with such knowledge shall appear at the Status Conference. Signed by Judge Tanya S. Chutkan on 4/3/18. (DJS) (Entered: 04/03/2018)
04/03/2018		Set/Reset Hearings: Status Conference set for 5/21/2018 at 10:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (jl) (Entered: 04/04/2018)
05/04/2018	<u>27</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 05/04/2018)
05/07/2018	<u>28</u>	ENTERED IN ERROR.....Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) Modified on 5/7/2018 (zjf). (Entered: 05/07/2018)
05/07/2018		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>28</u> Status Report was entered in error and counsel will refile in the correct case. (jf) (Entered: 05/07/2018)

05/15/2018		MINUTE ORDER: The status conference currently scheduled for May 21, 2018 at 10:30 a.m. is hereby rescheduled for July 9, 2018 at 10:30 a.m. Signed by Judge Tanya S. Chutkan on 5/15/2018. (lctsc2). (Entered: 05/15/2018)
05/16/2018		Set/Reset Hearings: Status Conference reset for 7/9/2018 at 10:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 05/16/2018)
06/20/2018	<u>29</u>	Joint MOTION to Continue <i>Status Conference</i> by AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 06/20/2018)
07/02/2018		MINUTE ORDER: Granting <u>29</u> the parties' Joint Motion for Continuance. The parties are hereby ordered to submit a Joint Status report by July 11, 2018. The status conference currently scheduled for July 9, 2018 is hereby continued until July 19, 2018 at 12:30 p.m. Signed by Judge Tanya S. Chutkan on 7/2/2018. (lctsc2). (Entered: 07/02/2018)
07/02/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 7/11/2018; Status Conference reset for 7/19/2018 at 12:30 PM in Courtroom 9 before Judge Tanya S. Chutkan. (jth) (Entered: 07/03/2018)
07/11/2018	<u>30</u>	Consent MOTION for Extension of Time to <i>file Joint Status Report</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 07/11/2018)
07/12/2018		ORDER granting <u>30</u> Motion for Extension of Time to File Joint Status Report. The parties are hereby ordered to submit a Joint Status report by July 12, 2018. Signed by Judge Tanya S. Chutkan on 7/12/2018. (lctsc2). (Entered: 07/12/2018)
07/12/2018	<u>31</u>	Joint STATUS REPORT <i>AND MOTION FOR CONTINUANCE</i> by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 07/12/2018)
07/12/2018	32	MOTION to Continue by AMERICAN OVERSIGHT; (See docket entry no. <u>31</u> to view.) (ztd) (Entered: 07/13/2018)
07/13/2018		MINUTE ORDER: Granting <u>31</u> the parties' Joint Motion for a Continuance. The parties shall file a Joint Status report that contains a proposed schedule and proposed order by August 31, 2018. The status conference currently scheduled for July 19, 2018 is hereby rescheduled for September 10, 2018 at 11:45 a.m. Signed by Judge Tanya S. Chutkan on 7/13/2018. (lctsc2). (Entered: 07/13/2018)
07/13/2018		Set/Reset Hearings: Status Conference reset for 9/10/2018 at 11:45 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 07/13/2018)
08/30/2018	<u>33</u>	Consent MOTION for Extension of Time to <i>Reschedule September 10, 2018 Hearing</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 08/30/2018)
08/31/2018	<u>34</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Johnson, Wyneva) (Entered: 08/31/2018)
08/31/2018		MINUTE ORDER: Granting <u>33</u> Consent Motion to Vacate Status Conference. The conference previously set for September 10, 2018 is hereby VACATED. The parties shall file joint status report, accompanied by a proposed order, by October 3, 2018. Signed by Judge Tanya S. Chutkan on 8/31/18. (DJS) (Entered: 08/31/2018)
09/05/2018		Set/Reset Deadlines: Joint Status Report due by 10/3/2018. (tb) (Entered: 09/05/2018)
10/03/2018	<u>35</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 10/03/2018)
10/22/2018		MINUTE ORDER: Having considered the parties' joint status report, it is hereby ordered that the parties shall file another joint report by 11/1/18 and every 60 days thereafter. To the extent the report includes a briefing schedule, the report shall also contain a proposed order. Signed by Judge Tanya S. Chutkan on 10/2/18. (DJS) (Entered: 10/22/2018)
10/23/2018		Set/Reset Deadlines: Joint Status Report due by 11/1/2018. (tb) (Entered: 10/23/2018)
11/01/2018	<u>36</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 11/01/2018)

11/05/2018		MINUTE ORDER: Granting <u>36</u> Joint Motion for Extension of Time to File Status Report. Joint Report due 11/5/18. In all other respects this court's 10/22/2018 Minute Order remains unchanged. Signed by Judge Tanya S. Chutkan on 11/5/18. (DJS) (Entered: 11/05/2018)
11/05/2018		Set/Reset Deadlines: Joint Report due by 11/5/2018. (mac) (Entered: 11/05/2018)
11/05/2018	<u>37</u>	STATUS REPORT by AMERICAN OVERSIGHT. (France, Elizabeth) (Entered: 11/05/2018)
11/09/2018		MINUTE ORDER: A Status Conference is hereby set for 11/19/18 at 10:00 am in Courtroom 9. Both the AUSA and Agency Counsel shall appear at the conference and the Defendant shall be prepared to SHOW CAUSE why the court should not impose sanctions against the Defendant for failing to comply with its obligation to cooperate with the Plaintiff for the purpose of filing a Joint Status Report as ordered by this court on 11/5/18. Signed by Judge Tanya S. Chutkan on 11/9/18. (DJS) (Entered: 11/09/2018)
11/13/2018		Set/Reset Hearings: Status Conference set for 11/19/2018 at 10:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 11/13/2018)
11/19/2018		Minute Entry: Status Conference held on 11/19/2018 before Judge Tanya S. Chutkan: The Court discharges the order to show cause. Parties shall continue with production of documents and redactions. Joint Status Report due by 1/22/2019. (Court Reporter Tim Miller) (tb) (Entered: 11/19/2018)
01/18/2019	<u>38</u>	MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/18/2019)